

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

BRYANT ALLISON, JR.	§	
VS.	§	CIVIL ACTION NO. 1:09cv591
REGINALD GOINGS, ET AL.	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Bryant Allison, Jr., an inmate at the Gist State Jail, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed without prejudice.

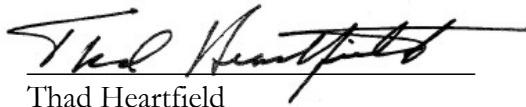
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

Plaintiff did not comply with the order of the court to provide either the \$350 filing fee or an application to proceed *in forma pauperis*. Further, a review of the TDCJ Inmate Locator website reveals plaintiff is no longer confined in the Texas Department of Criminal Justice. Plaintiff has not provided the court with a current address at which he may be contacted. Thus, plaintiff has not diligently prosecuted this action. Accordingly, the above-styled action should be dismissed for want of prosecution pursuant to FED. R. CIV. P. 41(b).

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED** to the extent it recommends dismissal. Plaintiff may reinstate this action on the court's active docket by filing a notice of his intent to prosecute the action along with a change of address within thirty (30) days from the date of dismissal. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this the **3** day of **June, 2010**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge